



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 15, 2016

Ordinance 18257

Proposed No. 2016-0012.3

Sponsors Dembowski

1 AN ORDINANCE amending King County stormwater and
2 surface water management requirements to comply with
3 state requirements for stormwater management and
4 improve protection of water quality, aquatic resources,
5 public health, safety and welfare; amending Ordinance
6 9163, Section 1, as amended, and K.C.C. 9.04.010,
7 Ordinance 9163, Section 2, as amended, and K.C.C.
8 9.04.020, Ordinance 9163, Section 3, as amended and
9 K.C.C. 9.04.030, Ordinance 2281, Section 5, as amended,
10 and K.C.C. 9.04.050, Ordinance 2281, Section 6, as
11 amended, and K.C.C. 9.04.070, Ordinance 4938, Section
12 12, as amended, and K.C.C. 9.04.140, Ordinance 10636,
13 Section 2, as amended, and K.C.C. 9.12.005, Ordinance
14 10636, Section 3, as amended, and K.C.C. 9.12.015,
15 Ordinance 10636, Section 4, as amended, and K.C.C.
16 9.12.025, Ordinance 10636, Section 5, as amended, and
17 K.C.C. 9.12.035, Ordinance 10636, Section 6, as amended,
18 and K.C.C. 9.12.045, Ordinance 10636, Section 7, as
19 amended, and K.C.C. 9.12.050, Ordinance 10636, Section

8, as amended, and K.C.C. 9.12.060, Ordinance 10636,
Section 10, as amended, and K.C.C. 9.12.080, Ordinance
15753, Section 4, and K.C.C. 14.42.030, Ordinance 11210,
Section 9, and K.C.C. 21A.16.085 and Ordinance 15051,
Section 234, and K.C.C. 21A.24.550, adding a new section
to K.C.C. chapter 9.04, adding a new section to K.C.C.
chapter 21A.06, repealing Ordinance 16392, Section 4, and
K.C.C. 9.20.010, Ordinance 16392, Section 5, and K.C.C.
9.20.020, Ordinance 16392, Section 6, and K.C.C. 9.20.030
and Ordinance 16392, Section 7, and K.C.C. 9.20.040 and
prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9163, Section 1, as amended, and K.C.C. 9.04.010 are
hereby amended to read as follows:

The council finds this chapter is necessary in order to promote the public health,
safety and welfare by providing for the comprehensive management of stormwater runoff
and surface ~~((and storm))~~ water((s)) and erosion control, especially that which preserves
and utilizes the many values of the county's natural drainage system including open
space, fish and wildlife habitat, recreation, education and urban separation. The council
also finds that King County shall conduct programs to reduce flooding, erosion((;)) and
sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and
prevent water quality degradation through the implementation of comprehensive and

42 thorough permit review, construction inspection, enforcement((5)) and maintenance, in
43 order to promote the effectiveness of the requirements contained in this chapter.

44 SECTION 2. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are
45 hereby amended to read as follows:

46 The definitions in this section apply throughout this chapter unless the context
47 clearly requires otherwise.

48 A. "Adjustment" means a department-approved variation in the application of the
49 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular
50 project in accordance with K.C.C. 9.04.050C. "Adjustment" replaces "variance," which
51 was used in prior editions of the Surface Water Design Manual.

52 B. "Applicant" means a property owner or a public agency or public or private
53 utility that owns a right-of-way or other easement or has been adjudicated the right to
54 such an easement under RCW 8.12.090, or any person or entity designated or named in
55 writing by the property or easement owner to be the applicant, in an application for a
56 development proposal, permit or approval.

57 C. "Basin" means a geographic area that contains and drains to a stream or river
58 named and noted on common maps, such as the Cedar river, Sammamish river, Green
59 river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains
60 to a nonflowing water body named and noted on common maps, such as Lake
61 Washington or Puget Sound.

62 D. "Basin plan" means a plan and all implementing regulations and procedures
63 including, but not limited to, capital projects, public education activities and land use

64 management adopted by ordinance for managing surface water and ~~((storm-water))~~
65 stormwater within the basin.

66 E. "Best management practice" or "BMP" means any schedule of activities,
67 prohibition of practices, maintenance procedure, or structural and/or managerial practice
68 approved by King County that, when used singly or in combination, prevents or reduces
69 the release of pollutants and other adverse impacts to surface water, stormwater and
70 groundwater.

71 F. "Closed depression" means an area greater than five thousand square feet at
72 overflow elevation that is low-lying and that has no or such a limited surface water outlet
73 that the area acts as a stormwater retention facility.

74 ~~((F.))~~ G. "Construct or modify" means to install a new drainage pipe or ditch or
75 make improvements to an existing drainage pipe or ditch, for purposes other than
76 maintenance, that either serves to concentrate previously unconcentrated surface ~~((and~~
77 ~~storm))~~ water or stormwater runoff or serves to increase, decrease or redirect the
78 conveyance of surface ~~((and-storm))~~ water or stormwater runoff. "Construct or modify"
79 does not include installation or maintenance of a driveway culvert installed as part of a
80 single-family residential building permit.

81 ~~((G.))~~ H. "Construction stormwater pollution prevention BMP" means a control
82 or measure that prevents or reduces the discharge of pollutants and sediments resulting
83 from construction activities.

84 I. "Conveyance system" means the drainage facilities and features, both natural
85 and constructed, that ~~((collect, contain and))~~ provide for the ~~((flow))~~ collection and
86 transport of surface ~~((and-storm))~~ water ~~((from the highest points on the land down to a~~

87 ~~receiving water~~) or stormwater runoff. The natural elements of the "conveyance system"
88 include swales and small drainage courses, streams, rivers, lakes and wetlands. The
89 constructed elements of the "conveyance system" include gutters, ditches, pipes, catch
90 basins, channels and most flow control and water quality ~~((treatment))~~ facilities.

91 ~~((H.))~~ J. "Department" means the department of natural resources and parks or its
92 successor.

93 ~~((I.))~~ K. "Development" means any activity that requires a permit or approval,
94 including, but not limited to, a building permit, grading permit, shoreline substantial
95 development permit, conditional use permit, special use permit, zoning variance or
96 reclassification, subdivision, short subdivision, urban planned development, binding site
97 plan, site development permit or right-of-way use permit. "Development" does not
98 include forest management activities, as defined in K.C.C. chapter 21A.06.

99 ~~((J.))~~ L. "Directed drainage review" means the drainage review for a proposed
100 single-family residential project or agricultural project that is not subject to simplified or
101 large project drainage review.

102 M. "Director" means the director of the department of natural resources and
103 parks, or ~~((any duly authorized representative of the director))~~ the authorized
104 representatives of the director, including compliance officers and inspectors whose
105 responsibility includes the detection and reporting of code violations.

106 ~~((K.))~~ N. "Drainage" means the collection, conveyance, containment or
107 discharge, or any combination thereof, of stormwater runoff or surface ~~((and storm))~~
108 water ~~((runoff))~~.

109 ~~((L.))~~ O. "Drainage facility" means a constructed or engineered feature that
110 collects, conveys, stores, ~~((or))~~ treats or otherwise manages stormwater runoff or surface
111 ~~((and storm))~~ water ~~((runoff))~~. "Drainage facility" includes, but is not limited to, a
112 constructed or engineered stream, ~~((pipeline))~~ lake, wetland or closed depression, or a
113 pipe, channel, ditch, gutter, ~~((lake, wetland, closed depression))~~ flow control ((or))
114 facility, flow control BMP, water quality ~~((treatment))~~ facility, erosion and sediment
115 control facility and any other structure and appurtenance that provides for drainage.

116 ~~((M.))~~ P. "Drainage review" means an evaluation by King County staff of a
117 proposed project's compliance with the drainage requirements in the Surface Water
118 Design Manual. The types of drainage review include: ~~((Small project))~~ Simplified
119 drainage review, targeted drainage review, directed drainage review, full drainage review
120 and large project drainage review.

121 ~~((N.))~~ Q. "Erosion and sediment control" means any temporary or permanent
122 measures taken to reduce erosion, control siltation and sedimentation and ensure that
123 sediment-laden water does not leave the site or enter into wetlands or aquatic areas.

124 ~~((O.))~~ R. "Financial guarantee" means a form of financial security posted to do
125 one or more of the following: ensure timely and proper completion of improvements;
126 ensure compliance with the King County Code; or provide secured warranty of materials,
127 workmanship of improvements and design. "Financial guarantees" include assignments
128 of funds, cash deposit, surety bonds or other forms of financial security acceptable to the
129 director of the department of permitting and environmental review. "Performance
130 guarantee," "maintenance guarantee" and "defect guarantee" are considered sub
131 categories of financial guarantee.

132 ~~((P.))~~ S. "Flood hazard management plan" means a plan and all implementing
133 goals, objectives, guiding principles, policies and programs, including, but not limited to,
134 capital projects, public outreach and education activities and enforcement programs for
135 reduction of flood risks and prepared in accordance with RCW 86.12.200.

136 ~~((Q.))~~ T. "Flow control ~~((best management practice))~~ BMP" means a ~~((method or~~
137 ~~design for dispersing, infiltrating or otherwise reducing or preventing development-~~
138 ~~related increases in surface and storm water))~~ small scale drainage facility or feature that
139 is part of a development site strategy to use processes such as infiltration, dispersion,
140 storage, evaporation, transpiration, forest retention and reduced impervious surface
141 footprint to mimic pre-developed hydrology and minimize stormwater runoff ~~((at, or~~
142 ~~near, the sources of those increases))~~. "Flow control ~~((best management practice))~~
143 BMPs" include~~((s))~~ the methods and designs specified in the Surface Water Design
144 Manual. Flow control BMPs are also known as low impact development, or LID, BMPs.

145 ~~((R.))~~ U. "Flow control facility" means a drainage facility designed in accordance
146 with the drainage requirements in this chapter to mitigate the impacts of increased
147 ~~((surface and storm water))~~ stormwater runoff generated by site development ~~((in~~
148 ~~accordance with the drainage requirements in this chapter))~~. A "flow control facility" is
149 designed either to hold water for a considerable length of time and then release it by
150 evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short
151 period of time and then release it to the conveyance system.

152 ~~((S.))~~ V. "Full drainage review" means the evaluation required by K.C.C.
153 9.04.030 for any proposed project, unless the project is subject to ~~((small project))~~

154 simplified drainage review, targeted drainage review, directed drainage review or large
155 project drainage review, that:

156 1. Would result in two thousand square feet or more of new impervious surface,
157 replaced impervious surface or new plus replaced impervious surface; or

158 2. Would result in ~~((thirty-five))~~ seven thousand square feet or more of ~~((new~~
159 ~~pervious surface; or~~

160 3. ~~Is a redevelopment project on one or more parcels where the total of new and~~
161 ~~replaced impervious surface is five thousand square feet or more and when the valuation~~
162 ~~of proposed improvements exceeds fifty percent of the assessed value of the existing site~~
163 ~~improvements, including interior improvements and excluding required mitigation and~~
164 ~~frontage improvements))~~ land disturbing activity.

165 ~~((T.))~~ W. "Groundwater" means all water found in the soil and stratum beneath
166 the land surface or beneath the bed of any surface water.

167 X. "High-use site" means the area of a commercial, industrial or road intersection
168 site that generates a higher than average number of vehicle turnovers or has other
169 characteristics that generate the potential for chronic oil accumulation. "High use site"
170 includes:

171 1. The area of ~~((A))~~ a commercial or industrial site subject to:

172 a. an expected daily traffic count greater than one hundred vehicles per one
173 thousand square feet of gross building area;

174 b. petroleum storage or transfer in excess of one thousand five hundred gallons
175 per year, not including routine ~~((fuel))~~ heating oil storage or transfer at the end-user point
176 of delivery; or

177 c. use, storage or maintenance of a fleet of twenty-five or more diesel or jet
178 fuel vehicles each weighing over ten tons; or

179 2. A road intersection with average daily traffic counts of twenty-five thousand
180 vehicles or more on the main roadway and fifteen thousand or more vehicles on any
181 intersecting roadway, excluding pedestrian or bicycle use improvement projects.

182 ((U.)) Y. "Hydraulically connected" means connected through surface flow or
183 water features such as wetlands or lakes.

184 ((V.)) Z. "Impervious surface" means a hard surface area that either prevents or
185 retards the entry of water into the soil mantle as under natural conditions before
186 development or that causes water to run off the surface in greater quantities or at an
187 increased rate of flow from the flow present under natural conditions before
188 development. Common impervious surfaces include, but are not limited to, roofs,
189 walkways, patios, driveways, parking lots, storage areas, areas that are paved, graveled,
190 or made of packed or oiled earthen materials, or other surfaces that similarly impede the
191 natural infiltration of surface ~~((and storm))~~ water or stormwater. For purposes of
192 applying the impervious surface thresholds in this chapter, permeable pavement,
193 vegetated roofs and underdrained pervious surfaces are considered "impervious surface,"
194 while ~~((A))~~ an open uncovered flow control or water quality ~~((treatment))~~ facility is not
195 ~~((an "impervious surface"))~~.

196 ((W.)) AA. "Improvement" means a permanent, human-made, physical change to
197 land or real property including, but not limited to, buildings, streets, driveways,
198 sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage
199 facilities and landscaping.

200 (~~(X-)~~) BB. "Land disturbing activity" means an activity that results in a change in
201 the existing soil cover, both vegetative and nonvegetative, or to the existing soil
202 topography. "Land disturbing activity" includes, but is not limited to, demolition,
203 construction, clearing, grading, filling, excavation and compaction. "Land disturbing
204 activity" does not include tilling conducted as part of agricultural practices, landscape
205 maintenance or gardening.

206 (~~(Y-)~~) CC. "Lake management plan" means a plan describing the lake
207 management recommendations and requirements adopted by public rule for managing
208 water quality within individual lake basins.

209 (~~(Z-)~~) DD. "Large project drainage review" means the evaluation required by
210 K.C.C. 9.04.030 for any proposed project that:

- 211 1. Has an urban plan development land use designation in the King County
212 Comprehensive Plan land use map;
- 213 2. Would, at full buildout of the project site, result in fifty acres or more of new
214 impervious surface within a drainage subbasin or a number of subbasins hydraulically
215 connected across subbasin boundaries; or
- 216 3. Has a project site of fifty acres or more within a critical aquifer recharge area,
217 as defined in K.C.C. Title 21A.

218 (~~(AA-)~~) EE. "Licensed civil engineer" means a person registered with the State of
219 Washington as a professional engineer in civil engineering.

220 (~~(BB-)~~) FF. "Maintenance" means those usual activities taken to prevent a
221 decline, lapse or cessation in the use of currently serviceable structures, facilities,
222 equipment or systems, if there is no expansion of the structure, facilities, equipment or

223 system and there are no significant hydrologic impacts. "Maintenance" includes the
224 repair or replacement of nonfunctional facilities or the replacement of existing structures
225 with different types of structures, if the repair or replacement is required by one or more
226 environmental permits or to meet current engineering standards and the functioning
227 characteristics of the original facility or structure are not changed.

228 ~~((CC.))~~ GG. "Master drainage plan" means a comprehensive drainage control
229 plan required for projects subject to large project drainage review and intended to prevent
230 significant adverse impacts to ~~((the natural and constructed drainage system))~~ surface
231 water and groundwater, both ~~((on and off site))~~ onsite and offsite.

232 ~~((DD.))~~ HH. "Native vegetated surface" means a surface in which the soil
233 conditions, ground cover and species of vegetation are like those of the original native
234 condition for the site, as more specifically set forth in the Surface Water Design Manual.

235 ~~((EE.))~~ II. "Natural discharge location" means the location where runoff leaves
236 the project site under existing site conditions as defined in the Surface Water Design
237 Manual.

238 ~~((FF.))~~ JJ. "Natural hazard" means a condition in land or water, or both, that
239 arises in whole or in part out of natural processes and that creates a threat of immediate
240 and substantial harm. A "natural hazard" may include, but is not limited to, a beaver
241 dam, a debris dam in a stream, severe erosion at the base of a steep slope or a stream
242 displaced from its original channel.

243 KK. "New impervious surface" means the creation of ~~((a hard or compacted~~
244 ~~surface such as roofs, pavement, gravel or dirt))~~ impervious surface or the addition of a
245 more compacted surface such as the paving of existing dirt or gravel.

246 ~~((GG.))~~ LL. "New pervious surface" means the conversion of a native vegetated
247 surface or other native surface to a nonnative pervious surface, including, but not limited
248 to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any
249 alteration of existing nonnative pervious surface that results in increased ~~((surface and~~
250 ~~storm-water))~~ stormwater runoff as defined in the Surface Water Design Manual.

251 ~~((HH.))~~ MM. "Pollution-generating impervious surface" means an impervious
252 surface considered to be a significant source of pollutants in ~~((surface and storm-water))~~
253 stormwater runoff. "Pollution-generating impervious surface" includes those surfaces
254 subject to vehicular use; industrial activities; or storage of erodible or leachable materials,
255 wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A
256 covered parking area would be included if runoff from uphill could regularly run through
257 it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are
258 also considered pollution-generating impervious surface unless they are treated to prevent
259 leaching. Roofs exposed to the venting of significant amounts of dusts, mists or fumes
260 from manufacturing, commercial or other indoor activities are also included, as are
261 vegetated roofs exposed to pesticides, fertilizers or loss of soil.

262 ~~((H.))~~ NN. "Pollution-generating pervious surface" means a nonimpervious
263 surface considered to be a significant source of pollutants in ~~((surface and storm-water))~~
264 stormwater runoff. "Pollution-generating pervious surfaces" include: surfaces subject to
265 vehicular use, industrial activities, storage of erodible or leachable materials, wastes or
266 chemicals, and that receive direct rainfall or the run-on or blow-in of rainfall; or surfaces
267 subject to the use of pesticides and fertilizers ~~((, to the use or storage of erodible or~~
268 ~~leachable materials, wastes or chemicals))~~ or to the loss of soil. "Pollution-generating

269 pervious surface" includes, but is not limited to, the lawn and landscaped areas of a
270 residential ~~((or))~~, commercial~~((;))~~ or industrial site or land use, golf course, park, sports
271 field and county-standard grassed modular grid pavement.

272 ~~((JJ-))~~ OO. "Project" means any proposed action to alter or develop a site that may
273 also require drainage review.

274 ~~((KK-))~~ PP. "Project site" means the portion of a site and any offsite areas subject
275 to proposed project activities, alterations and improvements including those required by
276 this chapter.

277 ~~((LL-))~~ QQ. "Redevelopment project" means a project that proposes to add,
278 replace or modify impervious surface for purposes other than a residential subdivision or
279 maintenance on a site that:

- 280 1. Is already substantially developed in a manner that is consistent with its
281 current zoning or with a legal nonconforming use; or
- 282 2. Has an existing impervious surface coverage of thirty-five percent or more.

283 ~~((MM-))~~ RR. "Replaced impervious surface" means an existing impervious
284 surface proposed to be removed and reestablished as impervious surface, excluding
285 impervious surface removed for the sole purpose of installing utilities or performing
286 maintenance. ~~((For purposes of this definition, "removed" includes the removal of
287 buildings down to bare soil or the removal of Portland cement concrete slabs or pavement
288 or asphaltic concrete pavement.))~~ For structures, "removed" means the removal of
289 buildings down to the foundation. For other impervious surfaces, "removed" means the
290 removal down to base course or bare soil. For purposes of this definition, "base course"
291 means the layer of crushed rock that typically underlies an asphalt or concrete pavement.

292 ~~((NN. "Runoff" means that portion of water originating from rainfall and other~~
293 ~~precipitation that flows over the surface or just below the surface from where it fell and is~~
294 ~~found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and~~
295 ~~shallow groundwater as well as on ground surfaces. For the purpose of this definition,~~
296 ~~groundwater means all waters that exist beneath the land surface or beneath the bed of~~
297 ~~any stream, lake or reservoir, or other body surface water, whatever may be the~~
298 ~~geological formation or structure in which such water stands or flows, percolates or~~
299 ~~otherwise moves.~~

300 ~~OO.))~~ SS. "Salmon conservation plan" means a plan and all implementing
301 regulations and procedures including, but not limited to, land use management adopted
302 by ordinance, capital projects, public education activities and enforcement programs for
303 conservation and recovery of salmon within a water resource inventory area designated
304 by the state under WAC 173-500-040.

305 ~~((PP.))~~ TT. "Shared facility" means a drainage facility designed to meet one or
306 more of the requirements of K.C.C. 9.04.050 for two or more separate projects contained
307 within a basin. Shared facilities usually include shared financial commitments for those
308 drainage facilities.

309 ~~((QQ.))~~ UU. "Simplified drainage review" means the drainage review for a
310 proposed single-family residential project or agricultural project that:

311 1. Would result in impervious and new pervious surface insufficient to require a
312 flow control or water quality facility as specified in K.C.C. 9.04.050 and the Surface
313 Water Design Manual; and

314 2. Meets the simplified drainage requirements and BMPs specified in the
315 Surface Water Design Manual, including flow control BMPs, construction stormwater
316 pollution prevention BMPs, and drainage plan submittal requirements.

317 VV. "Site" means a single parcel, or either two or more contiguous parcels that
318 are under common ownership or documented legal control or a portion of a single parcel
319 under documented legal control separate from the remaining parcel, used as a single
320 parcel for a proposed project for purposes of applying for authority from King County to
321 carry out a proposed project. For projects located primarily within dedicated rights-of-
322 way, "site" includes the entire width of right-of-way subject to improvements proposed
323 by the project.

324 ~~((RR. "Small project drainage review" means the drainage review for a proposed~~
325 ~~single-family residential project or agricultural project that:~~

326 ~~1. Would result in:~~

327 ~~a. ten thousand square feet or less of total impervious surface added on or after~~
328 ~~January 8, 2001; or~~

329 ~~b. four percent or less of total impervious surface on a site as specified in the~~
330 ~~Surface Water Design Manual; and~~

331 ~~2. Meets the small project drainage requirements specified in the Surface Water~~
332 ~~Design Manual, including flow control best management practices, erosion and sediment~~
333 ~~control measures and drainage plan submittal requirement; and~~

334 ~~3. Limits new pervious surface as specified in the Surface Water Design~~
335 ~~Manual.~~

336 ~~SS.))~~ WW. "Stormwater" means the water produced during precipitation or
337 snowmelt, which runs off, soaks into the ground or is dissipated into the atmosphere.
338 Stormwater that runs off or soaks into the ground ultimately becomes surface water or
339 groundwater.

340 XX. "Stormwater compliance plan" means a plan or study and all regulations and
341 procedures that have been adopted by the county to implement the plan or study,
342 including, but not limited to, capital projects, public education activities and enforcement
343 programs for managing stormwater quantity and quality discharged from the county's
344 municipal separate storm sewer system in compliance with the National Pollutant
345 Discharge Elimination System permit program under the Clean Water Act.

346 ~~((TT.))~~ YY. "Stormwater runoff" means stormwater that flows over, or just
347 below, the surface where it fell or melted. "Stormwater runoff" contributes to and
348 becomes surface water or groundwater.

349 ZZ. "Subbasin" means a geographic area that:

- 350 1. Drains to a stream or water body named and noted on common maps; and
351 2. Is contained within the basin of the stream or water body.

352 ~~((UU. "Surface and storm water" means water originating from rainfall and other~~
353 ~~precipitation that is found on ground surfaces and in drainage facilities, rivers, streams,~~
354 ~~springs, seeps, ponds, lakes, wetlands as well as and shallow ground water.~~

355 ~~VV.))~~ AAA. "Surface water" means the water that exists on land surfaces before,
356 during, and after stormwater runoff occurs and includes, but is not limited to, the water
357 found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds,
358 lakes, wetlands and Puget Sound. It also includes shallow groundwater.

359 BBB. "Surface Water Design Manual" means the manual, and supporting
360 documentation referenced or incorporated in the manual, describing surface and ~~((storm~~
361 ~~water))~~ stormwater design and analysis requirements, procedures and guidance ~~((that has~~
362 ~~been formally adopted by rule under the procedures in K.C.C. chapter 2.98))~~. The
363 "Surface Water Design Manual" is formally adopted by rule under the procedures of
364 K.C.C. chapter 2.98 and is available from the department of permitting and
365 environmental review or the department of natural resources and parks, water and land
366 resources division or their successor agencies.

367 ~~((WW.))~~ CCC. "Targeted drainage review" means an abbreviated evaluation
368 required by K.C.C. 9.04.030 for certain types of proposed projects that are not subject to
369 full or large project drainage review. Targeted drainage review may be required for some
370 projects in ~~((small project))~~ simplified drainage review.

371 ~~((XX.))~~ DDD. "Water quality ~~((treatment))~~ facility" means a drainage facility
372 designed in accordance with the drainage requirements in this chapter to ~~((reduce~~
373 ~~pollutants once they are already contained))~~ mitigate the impacts of increased pollutants
374 in stormwater runoff generated by site development. A "water quality facility" uses
375 processes that include but are not limited to settling, filtration, adsorption and absorption
376 to decrease pollutant concentrations and loadings in ~~((surface and storm water))~~
377 stormwater runoff. ~~((A water quality treatment facility is the structural component of~~
378 ~~best management practices. When used singly or in combination, a water quality~~
379 ~~treatment facility reduces the potential for contamination of both surface and ground~~
380 ~~waters.))~~

381 SECTION 3. Ordinance 9163, Section 3, as amended and K.C.C. 9.04.030 are
382 amended to read as follows:

383 A. Drainage review is required when any proposed project is subject to a King
384 County development permit or approval and:

385 1. Would result in two thousand square feet or more of new impervious surface,
386 replaced impervious surface or new plus replaced impervious surface;

387 2. Would involve seven thousand square feet or more of land disturbing activity;

388 3. Would construct or modify a drainage pipe or ditch that is twelve inches or
389 more in size or depth or receives stormwater runoff or surface ~~((and storm))~~ water
390 ~~((runoff))~~ from a drainage pipe or ditch that is twelve inches or more in size or depth;

391 4. Contains or is adjacent to a flood hazard area as defined in K.C.C. chapter
392 21A.24;

393 5. Is located within a critical drainage area; or

394 6. Is a redevelopment project proposing one hundred thousand dollars or more
395 of improvements to an existing high-use site~~((; or~~

396 ~~7. Is a redevelopment project on a site in which the total of new plus replaced~~
397 ~~impervious surface is five thousand square feet or more and whose valuation of proposed~~
398 ~~improvements, including interior improvements and excluding required mitigation and~~
399 ~~frontage improvements, exceeds fifty percent of the assessed value of the existing site~~
400 ~~improvements)).~~

401 B. The drainage review for any proposed project shall be scaled to the scope of
402 the project's size, type of development and potential for stormwater impacts to ~~((the~~
403 ~~regional surface water system))~~ surface water and groundwater to facilitate the

preparation and review of project applications. If drainage review for a proposed project is required under subsection A. of this section, the department ~~((of permitting and environmental))~~ performing drainage review as specified in K.C.C. 9.04.070 shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

1. ~~((Small project))~~ Simplified drainage review;
2. Targeted drainage review;
3. Directed drainage review;
4. Full drainage review; or
- ~~((4.))~~ 5. Large project drainage review.

SECTION 4. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are amended as follows:

A. A proposed project required to have drainage review by K.C.C. 9.04.030 must meet each of the following core requirements, which are described in detail in the Surface Water Design Manual. Projects subject only to ~~((small project))~~ simplified drainage review that meet the ~~((small project))~~ simplified drainage requirements and BMPs specified in the Surface Water Design Manual, including flow control ~~((best management practices))~~ BMPs, ~~((erosion and sediment control measures))~~ construction stormwater pollution prevention BMPs and drainage plan submittal requirements are deemed to comply with the following core requirements:

1. Core requirement 1: Discharge at the natural location. All stormwater runoff and surface ~~((and storm))~~ water ~~((runoff))~~ from a project shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner

in which stormwater runoff ~~((is))~~ and surface water are discharged from the project site shall not create a significant adverse impact or significantly aggravate an existing adverse impact to downhill properties or drainage ~~((systems))~~ facilities as specified in the discharge requirements of the Surface Water Design Manual;

2. Core requirement 2: Offsite analysis. The initial application submittal for proposed projects shall include an offsite analysis report that assesses potential offsite drainage and water quality impacts associated with development of the proposed site and proposes appropriate mitigations to those impacts. This initial submittal shall include, at minimum, a Level One downstream analysis as described in the Surface Water Design Manual. If impacts are identified, the proposed projects shall meet any applicable problem-specific requirements as specified in the Surface Water Design Manual;

3. Core ~~((R))~~ requirement 3: Flow control facilities. Proposed projects that would result in ~~two~~ five thousand square feet or more of new plus replaced impervious surface or ~~((thirty-five thousand square feet))~~ three quarters of an acre or more of new pervious surface ~~((, or that are redevelopment projects that would result in a total of five thousand square feet or more of new and replaced impervious surface,))~~ shall provide flow control facilities ~~((or flow control BMPs, or both,))~~ to control ~~((surface and storm water))~~ stormwater runoff generated by new impervious surface, new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow control facilities shall meet the area-specific flow control facility requirements and the flow control facility implementation requirements applicable to the project site as specified in the Surface Water Design Manual. ~~((Flow control BMPs shall also be applied as~~

specified in the Surface Water Design Manual.)) Projects subject to area-specific flow control facility requirements shall meet one of the flow control facility performance criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water Design Manual:

a. Level One shall match the predeveloped site's peak discharge rates for the two-year and ten-year return periods;

b. Level Two shall meet Level One criteria and also match the predeveloped site's discharge durations for the predeveloped peak discharge rates between the fifty percent of the two-year peak flow through the fifty-year peak flow; or

c. Level Three shall meet Level Two criteria and also match the predeveloped site's peak discharge rate for the one hundred-year return period;

4. Core requirement 4: Conveyance system. All engineered conveyance system elements for proposed projects shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual;

5. Core requirement 5: ~~((Erosion and sediment control.))~~ Construction stormwater pollution prevention. All proposed projects that will conduct construction activities onsite or offsite or will clear, grade or otherwise disturb the site shall provide stormwater pollution prevention controls, spill controls, and erosion and sediment controls ~~((that prevents, to the maximum extent practicable, the transport of sediment from the site))~~ to prevent, reduce or eliminate the discharge of pollutants including sediment to onsite or adjacent drainage facilities, ~~((water resources and))~~ adjacent

properties and surface water or groundwater. Erosion and sediment controls shall be applied in accordance with K.C.C. chapter 16.82 and as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the King County Surface Water Design Manual;

6. Core requirement 6: Maintenance and operation. Maintenance of all drainage facilities in compliance with King County maintenance standards is the responsibility of the applicant or property owner as described in the Surface Water Design Manual, except those facilities for which King County assumes maintenance and operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design Manual;

7. Core requirement 7: Financial guarantees and liability. All drainage facilities constructed or modified for projects, except downspout infiltration and dispersion systems for single family residential lots, must comply with the liability requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title 27A;

8. Core requirement 8: Water quality facilities. Proposed projects that would result in five thousand square feet or more of new plus replaced pollution-generating impervious surface or ~~((thirty-five thousand square feet))~~ three quarters of an acre or more of new pollution-generating pervious surface, or that are redevelopment projects that would result in a total of five thousand square feet or more of new and replaced pollution-generating impervious surface, shall provide water quality ~~((treatment))~~ facilities to treat polluted ~~((surface and storm water))~~ stormwater runoff generated by new or replaced pollution-generating impervious surface, new pollution-generating pervious

surface and any existing pollution-generating impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. However, pervious surfaces are specifically excluded if there is a good faith agreement with the King Conservation District to implement a farm management plan for agricultural uses, and pervious areas for other uses are specifically excluded if King County department of permitting and environmental review approves a landscape management plan that controls solids, pesticides, ~~((and))~~ fertilizers and other erodible or leachable materials leaving the site. Water quality ~~((treatment))~~ facilities shall meet the area-specific water quality ~~((treatment))~~ facility requirements and the water quality implementation requirements applicable to the project site as specified in the Surface Water Design Manual. The facilities specified by these requirements are designed to reduce pollutant loads according to the applicable annual average performance goals listed in a. through d. of this subsection A.8. for ninety-five percent of the annual average runoff volume:

- a. for basic water quality: remove eighty percent of the total suspended solids;
- b. for enhanced basic water quality: remove ~~((fifty))~~ sixty percent of ~~((the total))~~ dissolved zinc and thirty percent of dissolved copper;
- c. for sensitive lake protection: remove fifty percent of the total phosphorus;

and

- d. for sphagnum bog protection: remove fifty percent of the total phosphorus and forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of less than 6.5 and an alkalinity of less than ten milligrams per liter.

9. Core requirement 9: Flow control BMPs. Proposed projects that would result in two thousand square feet or more of new plus replaced impervious surface or

519 seven thousand square feet or more of land disturbing activity shall provide flow control
520 BMPs that use processes such as infiltration, dispersion, storage, evaporation,
521 transpiration, forest retention and reduced impervious surface footprint to mimic pre-
522 developed hydrology and minimize stormwater runoff generated by new impervious
523 surface, new pervious surface, replaced impervious surface and any existing impervious
524 surface added on or after January 8, 2001, as specified in the Surface Water Design
525 Manual. Flow control BMPs shall be applied to manage stormwater runoff from the
526 aforementioned surfaces to the maximum extent feasible using lists of flow control BMPs
527 specific to the project location, size and impervious coverage; or as required to
528 demonstrate that developed discharge durations from the surfaces match pre-developed
529 durations for those surfaces for the range of predeveloped discharge rates from eight
530 percent of the two-year peak flow to fifty percent of the two-year peak flow as specified
531 in the Surface Water Design Manual.

532 B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall
533 meet any of the following special requirements that apply to the site and that are
534 described in detail in the Surface Water Design Manual. The department ((of permitting
535 and environmental review)) performing drainage review as specified in K.C.C. 9.04.070
536 shall verify if a proposed project is subject to and must meet any of the following special
537 requirements.

538 1. Special ((R))requirement 1: Other adopted area-specific requirements. If a
539 proposed project is in a designated critical drainage area, or is in an area included in an
540 adopted master drainage plan, basin plan, salmon conservation plan, stormwater
541 compliance plan, flood hazard management plan, lake management plan or shared facility

plan, then the proposed project shall meet the applicable drainage requirements of the critical drainage area, master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard management plan, lake management plan or shared facility plan;

2. Special ((R))requirement 2: Floodplain/floodway delineation. If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other King County regulations require study of flood hazards relating to the proposed project, the one hundred year floodplain boundaries and floodway shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study shall be prepared ~~((for))~~ as specified in the Surface Water Design Manual;

3. Special ((R))requirement 3: Flood protection facilities. If a proposed project contains or is adjacent to a stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual ~~((to conform with the Federal Emergency Management Agency regulations as found in 44 C.F.R.))~~;

4. Special ((R))requirement 4: Source Control. If a proposed project requires a commercial building or commercial site development permit, then water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent practicable. Water quality source controls shall be applied in accordance with K.C.C. chapter 9.12, the King County stormwater pollution prevention manual and the Surface Water Design Manual. All structural source controls

shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project; and

5. Special ((Requirement)) requirement 5: Oil control. ~~((If a proposed project is a high-use site or is a redevelopment project proposing one hundred thousand dollars or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.))~~ If a proposed project is any of the following, then oil control shall be applied to all runoff from the high-use portion of a site as specified in the Surface Water Design Manual:

- a. a project that creates a high-use site;
- b. a redevelopment project proposing one hundred thousand dollars or more of improvements to an existing high-use site; or
- c. a redevelopment project that results in new plus replaced pollution-generating impervious surface of five thousand square feet or more or new pollution-generating pervious surface of three quarters of an acre or more.

C.1. An adjustment to the requirements contained in this section or other requirements in the Surface Water Design Manual may be proposed. The resulting development shall be subject to all of the remaining terms and conditions of this chapter and the adjustment shall:

- a. produce a compensating or comparable result in the public interest; and
- b. meet this chapter's objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

587 2. If complying with subsection C.1.a. of this section will deny all reasonable
588 use of a property, the best practicable alternative shall be obtained as determined by the
589 director of the department of permitting and environmental review according to the
590 adjustment process defined in the Surface Water Design Manual.

591 3. Requests for adjustments that may conflict with the requirements of any other
592 King County division shall require review and concurrence with that division. The
593 director shall coordinate to resolve conflicts between adjustments to the Surface Water
594 Design Manual and requirements of other divisions.

595 4. A request for an adjustment is a Type 1 land use decision as provided for in
596 K.C.C. 20.20.020 and shall be processed in accordance with the procedures specified in
597 the Surface Water Design Manual.

598 5. The county may require monitoring of experimental designs and technology
599 or untested applications proposed by the applicant in order to determine compliance with
600 subsection C.1. of this section and the approved plans and conditions.

601 6. The applicant may appeal an adjustment decision by following the appeal
602 procedures as specified in the Surface Water Design Manual.

603 D. The drainage review requirements in this section and in the Surface Water
604 Design Manual may be modified or waived under the procedures in K.C.C. 21A.55.060.

605 SECTION 5. Ordinance 2281, Section 6, as amended, and K.C.C. 9.04.070 are
606 amended to read as follows:

607 A.1. All engineering plans shall be submitted to the department of permitting and
608 environmental review for drainage review in accordance with the Surface Water Design
609 Manual except those drainage plans developed by, or under the review of, the water and

610 land resources division of the department of natural resources and parks for either surface
611 ~~((and storm))~~ water or stormwater capital improvement, repair, maintenance or
612 restoration projects or other linear government agency projects, such as roadways,
613 railways, pipelines, utility lines and trails.

614 2. If engineering plans are returned for any reason, they shall be returned to the
615 applicant.

616 3. All master drainage plans, if required, shall be submitted to the department of
617 permitting and environmental review for drainage review in accordance with the
618 specifications in the Surface Water Design Manual. The master drainage plan process
619 should commence at the same time as the state Environmental Policy Act (SEPA)
620 process.

621 4. Drainage plans not subject to drainage review by the department of
622 permitting and environmental review under subsection A.1. of this section shall be
623 reviewed by the water and land resources division of the department of natural resources
624 and parks in accordance with K.C.C. 9.04.050. Project applicability and compliance with
625 K.C.C. 9.04.050 shall be documented in writing and available for review.

626 B. The expiration time frames as specified in the Surface Water Design Manual
627 shall apply to all permit and approval applications.

628 C. All plans shall be processed in accordance with the drainage review
629 procedures specified in the Surface Water Design Manual.

630 D. All submittal procedures, definitions and specifications for the required
631 contents of engineering plans are presented in the Surface Water Design Manual.

632 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 9.04 a
633 new section to read as follows:

634 Whenever the director has reasonable cause to believe that a natural hazard exists,
635 the director may enter the premises on which the natural hazard is located and take any
636 steps the director deems reasonably necessary to abate or mitigate the a threat of
637 immediate and substantial harm. If the premises or portion thereof is occupied, the
638 director shall first make a reasonable effort to locate the owner or other person having
639 charge or control of the premises or portion thereof and seek entry. Proper ingress and
640 egress shall be provided to the director to carry out the steps the director deems
641 reasonably necessary to abate or mitigate the threat of immediate and substantial harm.
642 The director should provide email notification to the council in a timely manner after
643 entering a premises without permission. The email notification shall be sent to the clerk
644 of the council, who shall retain the original email and provide an electronic copy to all
645 councilmembers, the council chief of staff, the policy staff director and the lead staff for
646 the transportation, economy and environment committee, or its successor.

647 SECTION 7. Ordinance 4938, Section 12, as amended, and K.C.C. 9.04.140, are
648 hereby amended to read as follows:

649 A. ~~((Administration.))~~ 1. The director is authorized to promulgate and adopt
650 administrative rules under the procedures specified in K.C.C. chapter 2.98, for the
651 purpose of implementing and enforcing ~~((the provisions of))~~ this chapter. Adopted
652 administrative rules are available to the public from the department of permitting and
653 environmental review or the department of natural resources and parks, water and land
654 resources division. This includes, but is not limited to, the Surface Water Design

Manual. Administrative rules adopted in accordance with to this section shall be posted to the websites of the department of permitting and environmental review and the department of natural resources and parks, water and land resources division, as well as any other website maintained by the executive to provide the public access to adopted public rules. The director should provide email notification to the council when an administrative rule adopted in accordance with this section has been posted to the websites. The email notification shall be sent to the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.

2. The director of department of permitting and environmental review is authorized to develop procedures for applying ~~((adopted))~~ those administrative rules adopted under subsection A.1. of this section and regulations during the review of permit applications for the development of land. These procedures may also be contained in the Surface Water Design Manual.

B. ~~((Inspections.))~~ The director is authorized to make such inspections and take ~~((such))~~ all actions ~~((as))~~ that may be required to enforce ~~((the provisions of))~~ this chapter.

C. ~~((Right of entry.))~~ Whenever necessary to make an inspection to enforce ~~((any of the provisions of))~~ this chapter, monitor for proper function of drainage facilities or whenever the director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director may enter ~~((such))~~ the premises at all reasonable times to inspect the same or perform any duty

678 imposed upon the director by this chapter; provided that, if ~~((such))~~ the premises or
679 portion thereof is occupied, the director shall first make a reasonable effort to locate the
680 owner or other person having charge or control of the premises or portion thereof and
681 ~~((demand))~~ seek entry.

682 D. ~~((Access.))~~ Proper ingress and egress shall be provided to the director to
683 inspect, monitor or perform any duty imposed upon the director by this chapter. The
684 director shall notify the responsible party in writing of failure to comply with this access
685 requirement. Failing to obtain a response within seven days from the receipt of
686 notification the director may order the work required completed or otherwise address the
687 cause of improper access. The obligation for the payment of all costs that may be
688 incurred or expended by the county in causing ~~((such))~~ the work to be done shall thereby
689 be imposed on the person holding title to the subject property.

690 SECTION 8. Ordinance 10636, Section 2, as amended, and K.C.C. 9.12.005 are
691 hereby amended to read as follows:

692 The purpose of this chapter is to protect the county's surface water and ~~((ground~~
693 ~~water))~~ groundwater quality by providing minimum requirements for reducing and
694 controlling the discharge of contaminants. The county council recognizes that water
695 quality degradation can result either directly from one discharge or through the collective
696 impact of many small discharges. Therefore, this chapter prohibits the discharge of
697 contaminants into surface ~~((and storm))~~ water ~~((and ground water))~~, stormwater or
698 groundwater, and outlines preventive measures to restrict contaminants from entering
699 ~~((such))~~ those waters. These measures include the implementation of best management
700 practices (BMPs) by the residents and businesses of King County.

701 The county council finds this chapter is necessary to protect the health, safety and
702 welfare of the residents of King County and the integrity of the county's resources for the
703 benefit of all by: minimizing or eliminating water quality degradation; preserving and
704 enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and
705 preserving and enhancing the aesthetic quality and biotic integrity of the water. The
706 county council recognizes that implementation of this chapter is required under the
707 federal Clean Water Act, 33 U.S.C. 1251 et. seq., and chapter 90.48 RCW. In meeting
708 the intent of the Clean Water Act and chapter 90.48 RCW, the county council also
709 recognizes the importance of maintaining economic viability while providing necessary
710 environmental protection and believes this chapter helps achieve both goals.

711 SECTION 9. Ordinance 10636, Section 3, as amended, and K.C.C. 9.12.015 are
712 hereby amended as follows:

713 The definitions in this section apply throughout this chapter unless the context
714 clearly requires otherwise.

715 A. "AKART" means "all known, available and reasonable methods of
716 prevention, control and treatment." "AKART" represents the most current methodology
717 that can be reasonably required for preventing, controlling or abating the pollutants
718 associated with a discharge. "AKART" applies to both point and nonpoint sources of
719 pollution.

720 B. "Best management practice((s))" or "BMP((s))" means ~~((the best available and~~
721 ~~reasonable physical, structural, managerial or behavioral activities,))~~ any schedule of
722 activities, prohibition of practices, maintenance procedure, or structural and/or
723 managerial practice approved by King County-that, when used singly or in combination,

724 ~~((eliminate or))~~ prevents or reduces ~~((the contamination of both surface and ground~~
725 ~~waters))~~ the release of pollutants and other adverse impacts to surface water, stormwater
726 and groundwater.

727 C. "Chapter" means this chapter and any administrative rules and regulations
728 adopted to implement this chapter.

729 D. "Clean Water Act" means 33 U.S.C. 1251 et. seq., as amended.

730 E. "Director" means the director of the King County department of natural
731 resources and parks, other department directors specified in enforcement procedures
732 established in accordance with this chapter, or ~~((any designee of those directors))~~ the
733 authorized representatives of those directors, including compliance officers and
734 inspectors whose responsibility includes the detection and reporting of civil code
735 violations, as defined in K.C.C. 23.02.010.

736 F. "Discharge" means throw, drain, release, dump, spill, empty, emit, or pour
737 forth any matter or to cause or allow matter to flow, run or seep from land or be thrown,
738 drained, released, dumped, spilled, emptied, emitted or poured into water.

739 G. "Drainage facility" has the same meaning as in K.C.C. 9.04.020.

740 H. "Farm management plan" means a comprehensive site-specific plan developed
741 by the farm owner in cooperation with the King Conservation District taking into
742 consideration the land owners objectives while protecting water quality and related
743 natural resources.

744 I. "Forest practices" means any activity conducted on or directly pertaining to
745 forest land and relating to growing, harvesting, or processing timber, as defined in
746 chapter 222-16 WAC.

747 J. "~~((Ground water))~~ Groundwater" means all water~~((s that exist))~~ found in the
748 soil and stratum beneath the land surface or beneath the bed of any ~~((stream, lake or~~
749 ~~reservoir, or other body of))~~ surface water~~((, whatever may be the geological formation or~~
750 ~~structure in which such water stands or flows, percolates, or otherwise moves))~~.

751 K. "Illicit connection" means any human-made connection to the storm drain
752 system, surface water or groundwater that the director determines based on an
753 investigation or other evidence is not composed entirely of stormwater. For the purposes
754 of this subsection, "human-made connections" include, but are not limited to, sanitary
755 sewer connections, floor drains, channels, pipelines, conduits, inlets, hoses, above-ground
756 piping or outlets, that discharge directly to the storm drain system, surface water or
757 groundwater.

758 L. "National Pollutant Discharge Elimination System" or "NPDES" means the
759 national program for controlling pollutants from point source discharges directly into
760 waters of the United States under the Clean Water Act.

761 ~~((L.))~~ M. "National Pollutant Discharge Elimination System permit" means an
762 authorization, license or equivalent control document issued by the United States
763 Environmental Protection Agency or the Washington state Department of Ecology to
764 implement the requirements of the NPDES program.

765 ~~((M.))~~ N. "Normal single family residential activities" means activities that are
766 ordinarily associated with domestic residential uses and that ordinarily occur on a single
767 family residential property. "Normal single family residential activities" include but are
768 not limited to washing and repair of personal vehicles and boats; storage and disposal of
769 solid and yard wastes; use, storage and disposal of hazardous wastes; gardening and lawn

770 care; home maintenance and repair; and swimming pool and hot tub maintenance.

771 "Normal single family residential activities" do not include commercial business

772 activities that are not associated with domestic residential uses or that do not ordinarily

773 occur on a single family residential property.

774 O. "Person" means an individual and his or her agent or assign, municipality,
775 political subdivision, government agency, partnership, corporation, business or any other
776 entity.

777 ~~((N.))~~ P. "Responsible party" means the owner, operator or occupant of property;
778 or any person causing or contributing to an action prohibited by this chapter.

779 Q. "Source control BMP" means a BMP intended to prevent contaminants from
780 entering surface ~~((and storm))~~ water, stormwater or ~~((ground water))~~ groundwater
781 including the modification of processes to eliminate the production or use of
782 contaminants. "Source control BMPs" can be either structural or nonstructural.

783 Structural source control BMPs involve the construction of a physical structure on site, or
784 other type of physical modification to a site. An example of a structural source control
785 BMP is building a covered storage area. A nonstructural source control BMP involves
786 the modification or addition of managerial or behavioral practices. An example of a
787 nonstructural source control BMP is using less toxic alternatives to current products or
788 sweeping parking lots.

789 ~~((O.))~~ R. "State Waste Discharge Permit" means an authorization, license, or
790 equivalent control document issued by the Washington state Department of Ecology in
791 accordance with chapter 173-216 WAC and under the authority of chapter 90.48 RCW.

792 ~~((P.))~~ S. "Stormwater" means the water produced during precipitation or
793 snowmelt that runs off, soaks into the ground or is dissipated into the atmosphere.
794 Stormwater that runs off or soaks into the ground ultimately becomes surface water or
795 groundwater.

796 T. "Stormwater Pollution Prevention Manual" means the manual adopted in
797 accordance with K.C.C. chapter 2.98, and supporting documentation referenced or
798 incorporated in the manual, describing ~~((best management practices))~~ BMPs and
799 procedures for existing facilities and existing and new activities not covered by the
800 Surface Water Design Manual.

801 ~~((Q.))~~ U. "Surface ~~((and storm))~~ water" ~~((has the same meaning as in K.C.C.~~
802 9.04.020)) means the water that exists on land surfaces before, during and after
803 stormwater runoff occurs and includes, but is not limited to, the water found on ground
804 surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands
805 and Puget Sound. It also includes shallow groundwater.

806 ~~((R.))~~ V. "Treatment BMP" means a BMP intended to remove contaminants once
807 they are already ~~((contained in storm water))~~ introduced into stormwater. Examples of
808 treatment BMPs include oil/water separators, biofiltration swales and wetponds.

809 SECTION 10. Ordinance 10636, Section 4, as amended, and K.C.C. 9.12.025 are
810 hereby amended to read as follows:

811 A.1. It is unlawful for any person to discharge any contaminants into surface
812 ~~((and storm))~~ water, ~~((ground water or Puget Sound))~~ stormwater or groundwater.

813 Contaminants include, but are not limited, to the following:

814 a. trash or debris;

- 815 b. construction materials;
- 816 c. petroleum products including but not limited to oil, gasoline, grease, fuel oil,
- 817 heating oil;
- 818 d. antifreeze and other automotive products;
- 819 e. metals in either particulate or dissolved form;
- 820 f. flammable or explosive materials;
- 821 g. radioactive material;
- 822 h. batteries;
- 823 i. acids, alkalis, or bases;
- 824 j. paints, stains, resins, lacquers or varnishes;
- 825 k. degreasers and solvents;
- 826 l. drain cleaners;
- 827 m. pesticides, herbicides or fertilizers;
- 828 n. steam cleaning wastes;
- 829 o. soaps, detergents or ammonia;
- 830 p. swimming pool or spa filter backwash;
- 831 q. chlorine, bromine and other disinfectants;
- 832 r. heated water;
- 833 s. domestic animal wastes;
- 834 t. sewage;
- 835 u. recreational vehicle waste;
- 836 v. animal carcasses;
- 837 w. food wastes;

- 838 x. bark and other fibrous materials;
- 839 y. collected lawn clippings, leaves or branches;
- 840 z. silt, sediment or gravel;
- 841 aa. dyes, except as stated in subsection C.1. of this section;
- 842 bb. chemicals not normally found in uncontaminated water;
- 843 cc. any hazardous material or waste not listed above.

844 2. Illicit connections. (~~Any connection identified by the director that could~~
845 ~~convey anything not composed entirely of surface and storm water directly to surface and~~
846 ~~storm water or ground water is considered an illicit connection and is~~) Illicit connections
847 are prohibited with the following exceptions:

- 848 a. connections conveying allowable discharges;
- 849 b. connections conveying discharges pursuant to an NPDES permit, other than
850 an NPDES (~~storm water~~) stormwater permit, or a State Waste Discharge Permit; and
- 851 c. connections conveying effluent from onsite sewage disposal systems to
852 subsurface soils.

853 B. BMPs shall be applied to any business or residential activity that might result
854 in prohibited discharges as specified in the Stormwater Pollution Prevention Manual or as
855 determined necessary by the director. Activities that might result in prohibited
856 discharges include but are not limited to following:

- 857 1. Potable water line flushing;
- 858 2. Lawn watering with potable water;
- 859 3. Dust control with potable water;
- 860 4. Automobile and boat washing;

- 861 5. Pavement and building washing;
- 862 6. Swimming pool and hot tub maintenance;
- 863 7. Auto repair and maintenance;
- 864 8. Building repair and maintenance;
- 865 9. Landscape maintenance;
- 866 10. Hazardous waste handling;
- 867 11. Solid and food waste handling; and
- 868 12. Application of pesticides.

869 C. The following types of discharges shall not be considered prohibited
870 discharges for the purpose of this chapter unless the director determines that the type of
871 discharge, whether singly or in combination with other discharges, is causing significant
872 contamination of surface ~~((and storm))~~ water, stormwater or ~~((ground water))~~
873 groundwater:

- 874 1. Spring water;
- 875 2. Diverted stream flows;
- 876 3. Uncontaminated water from crawl space pumps, foundation drains or footing
877 drains;
- 878 4. Lawn watering with potable water or collected rainwater;
- 879 5. Pumped groundwater flows that are uncontaminated;
- 880 6. Materials placed as part of an approved habitat restoration or bank
881 stabilization project;
- 882 7. Natural uncontaminated surface water or ~~((ground water))~~ groundwater;
- 883 8. Flows from riparian habitats and wetlands;

884 9. The following discharges from boats: engine exhaust; cooling waters;
885 effluent from sinks; showers and laundry facilities; and treated sewage from Type I and
886 Type II marine sanitation devices;

887 10. Collected rainwater that is uncontaminated;

888 11. Uncontaminated groundwater that seeps into or otherwise enters stormwater
889 conveyance systems;

890 12. Air conditioning condensation;

891 13. Irrigation water from agricultural sources that is commingled with
892 stormwater runoff; ~~((and))~~

893 14. Nonstormwater discharges authorized by another NPDES or State Waste
894 Discharge Permit;

895 15. Discharges from emergency fire-fighting activities; and

896 16. Other types of discharges as determined by the director.

897 D.1. Dye testing is allowable but requires verbal notification to the King County
898 water and land resources division at least one day prior to the date of test. The King
899 County department of public health is exempt from this requirement.

900 2. A person does not violate subsection A. of this section if:

901 a. That person has properly designed, constructed, implemented and is
902 maintaining BMPs and is carrying out AKART as required by this chapter, but
903 contaminants continue to enter surface ~~((and storm))~~ water, stormwater or ~~((ground~~
904 ~~water))~~ groundwater; or

905 b. That person can demonstrate that there are no additional contaminants being
906 discharged from the site above the background conditions of the water entering the site.

3. A person who, under subsection D.2. of this section, is not in violation of subsection A. of this section is liable for any prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs, or other discharges that allow contaminants to enter surface ~~((and storm))~~ water, stormwater or ~~((ground water))~~ groundwater.

4. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter in order to avoid an imminent threat to public health or safety, shall be exempt from this section. The director by public rule may specify actions that qualify for this exception in county procedures. A person undertaking emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence.

SECTION 11. Ordinance 10636, Section 5, as amended, and K.C.C. 9.12.035 are hereby amended to read as follows:

A. Compliance with this chapter shall be achieved through the use of the ~~((best management practices))~~ BMPs described in the Stormwater Pollution Prevention Manual. In applying the Stormwater Pollution Prevention Manual, the director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface ~~((and storm))~~ water), stormwater or ~~((ground water))~~ groundwater, the director may require implementation of treatment BMPs as set forth in AKART. The King County water and land resources division will provide, upon reasonable request, available technical assistance materials and information, and

929 information on outside financial assistance options to persons required to comply with
930 this chapter.

931 B. In applying the Stormwater Pollution Prevention Manual to prohibited
932 discharges from normal single family residential activities, the director shall use public
933 education and warnings as the primary methods ~~((of))~~ for gaining compliance with this
934 chapter and shall not use citations, notice and orders, assessment of civil penalties and
935 fines, or other compliance actions as authorized in K.C.C. 23.02.040, unless the director
936 determines:

937 1. The discharge from a normal single family residential activity, whether singly
938 or combination with other discharges, is causing a significant contribution of
939 contaminants to surface ~~((and storm))~~ water, stormwater or ~~((ground water))~~
940 groundwater; or

941 2. The discharge from a normal single family residential activity ~~((poses a~~
942 ~~hazard to the public health, safety or welfare, endangers any property or adversely affects~~
943 ~~the safety and operation of county right-of-way, utilities or other county-owned or~~
944 ~~maintained property))~~ constitutes a hazard as set forth in K.C.C. 9.12.060.

945 C. Any ~~((P))~~person~~((s))~~ implementing BMPs through another federal, state or
946 local program will not be required to implement the BMPs prescribed in the county's
947 Stormwater Pollution Prevention Manual, unless the director determines that the
948 ~~((alternative))~~ other program's BMPs are ineffective at reducing the discharge of
949 contaminants or not being implemented. If the other program requires the development
950 of a stormwater pollution prevention plan or other ~~((best management practices))~~ BMP
951 plan, the person shall make the plan available to King County upon request. ~~((Persons~~

~~who qualify for exemptions))~~ Other federal, state, and local programs include, but are not limited to(~~(, persons))~~ any of the following:

1. (~~((Required to obtain a g))~~)General or individual NPDES permits from the Washington state Department of Ecology or the United States Environmental Protection Agency;

2. (~~((Implementing and maintaining, as scheduled, a))~~)A King Conservation District-approved farm management plan;

3. (~~((Implementing BMPs in compliance with))~~) Activities authorized under K.C.C. chapter 21A.30;

4. (~~((Implementing BMPs in compliance with t))~~)The county's municipal stormwater management program (~~((of the county's municipal NPDES permit))~~);

5. (~~((Engaged in f))~~)Forest practices under chapter 76.09 RCW, with the exception of forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use or when regulatory authority is otherwise provided to local government by RCW 76.09.240; (~~((or))~~)

6. State Waste Discharge General Permit, under the authority of chapter 90.48 RCW; or

7. Other programs (~~((I))~~)identified by the director (~~((as being exempt from this section))~~).

SECTION 12. Ordinance 10636, Section 6, as amended, and K.C.C. 9.12.045 are hereby amended to read as follows:

A. The director is authorized to implement (~~((the provisions of))~~) this chapter. The director is authorized to promulgate and adopt administrative rules and regulations under

the procedures specified in K.C.C. chapter 2.98 for the purpose of implementing and enforcing ~~((the provisions of))~~ this chapter. The director ~~((will))~~ shall coordinate the implementation and enforcement of this chapter with other departments of King County government. Administrative rules adopted in accordance with this section shall be posted to the websites of the department of permitting and environmental review and the department of natural resources and parks, water and land resources division, or their successor agencies, as well as any other website maintained by the executive to provide the public access to adopted public rules. The director should provide email notification to the council when an administrative rule adopted in accordance with this section has been posted to the websites. The email notification shall be sent to the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.

B. Whenever necessary to make an inspection to enforce any provision of this chapter, to monitor for proper implementation of BMPs or whenever the director has reasonable cause to believe that violations of this chapter are occurring, the director may enter the premises at all reasonable times to inspect or perform any duty imposed by this chapter; but if the premises are occupied, the director shall first make a reasonable effort to locate the owner or other person in control of any building, structure, property or portion thereof and seek entry. Unless entry is consented to by the owner or other person in control of any building, structure, property or portion thereof, or conditions are believed to exist which create a threat of immediate and substantial harm, the director, before entry, shall obtain a search warrant as authorized by the laws of the state of

998 Washington. The director should provide email notification to the council in a timely
999 manner after entering a property without permission. The email notification shall be sent
1000 to the clerk of the council, who shall retain the original email and provide an electronic
1001 copy to all councilmembers, the council chief of staff, the policy staff director and the
1002 lead staff for the transportation, economy and environment committee, or its successor.

1003 SECTION 13. Ordinance 10636, Section 7, as amended, and K.C.C. 9.12.050 are
1004 hereby amended to read as follows:

1005 A. The director is authorized to carry out enforcement actions pursuant to the
1006 enforcement and penalty provisions of K.C.C. Title 23 and other enforcement provisions
1007 adopted by rule under the procedures of K.C.C. chapter 2.98.

1008 B. The director shall gain compliance with this chapter by requiring the
1009 implementation of BMPs and, when necessary, AKART. The director shall initially
1010 ~~((rely on))~~ use education and ~~((informational))~~ technical assistance as much as possible to
1011 gain compliance with this chapter, unless the director determines a violation is a result of
1012 a flagrant act that should be addressed through immediate penalties or ~~((poses))~~
1013 constitutes a hazard as ~~((defined))~~ set forth in ~~((the Hazards section))~~ K.C.C. 9.12.060.

1014 C. The director, in consultation with other departments of King County
1015 government, shall develop and implement additional enforcement procedures. The~~((se))~~
1016 procedures shall indicate how the county will investigate and respond to reports or
1017 instances of noncompliance with this chapter and shall identify by title the official(s)
1018 responsible for implementing the enforcement procedures.

1019 D.1. The director ~~((is authorized to make such))~~ may perform such inspections
1020 and take ~~((such))~~ any actions ~~((as may be required))~~ necessary to enforce ~~((the provisions~~
1021 ~~of))~~ this chapter. ~~((Such inspections shall be made in accordance with K.C.C. 23.08.040.~~

1022 ~~1.))~~ 2. The director may observe ~~((best management practices))~~ the
1023 implementation of BMPs or examine or sample surface water, ~~((and storm water))~~
1024 stormwater or ~~((ground water))~~ groundwater as often as ~~((may be))~~ necessary to
1025 determine compliance with this chapter. Whenever an inspection of a property is made,
1026 ~~((the findings))~~ observed violations shall be ~~((recorded))~~ documented and ~~((a copy of the~~
1027 ~~inspection findings shall be furnished))~~ this documentation provided to the ~~((owner or the~~
1028 ~~person in charge of the property after the conclusion of the investigation and completion~~
1029 ~~of the inspection findings))~~ responsible party.

1030 ~~((2.))~~ 3. When the director ~~((has made a determination))~~ determines under
1031 subsection ~~((1.))~~ D.2. of this section that a~~((ny))~~ person is violating this chapter, the
1032 director may require the violator to sample and analyze any discharge, surface water,
1033 ~~((and storm water))~~ stormwater, ~~((ground water))~~ groundwater, and/or sediment, in
1034 accordance with sampling and analytical procedures or requirements determined by the
1035 director. If the violator is required to complete this sampling and analysis, a copy of the
1036 analysis shall be provided to the King County water and land resources division.

1037 E. In addition to any other penalty or method of enforcement, the prosecuting
1038 attorney may bring actions for injunctive or other relief to enforce this chapter.

1039 F. Enforcement actions taken under this section shall be subject to the appeal
1040 procedures in K.C.C. Title 23.

1041 SECTION 14. Ordinance 10636, Section 8, as amended, and K.C.C. 9.12.060 are
1042 hereby amended to read as follows:

1043 (~~Whenever the director determines that any violation of this chapter poses a~~
1044 ~~hazard to public health, safety, or welfare; endangers any property; or adversely affects~~
1045 ~~the safety and operation of county right of way, utilities, and/or other property owned or~~
1046 ~~maintained by the county; the person holding title to the subject property, and/or other~~
1047 ~~person or agent in control of said property, upon receipt of notice in writing from the~~
1048 ~~director shall within the period specified therein address the cause of the hazardous~~
1049 ~~situation in conformance with the requirements of this chapter.~~

1050 ~~Notwithstanding any other provisions of this chapter, whenever it appears to the~~
1051 ~~director that conditions covered by this chapter exist requiring immediate action to~~
1052 ~~protect the public health and/or safety, the director is authorized to enter at all times in or~~
1053 ~~upon any such property, public or private, for the purpose of inspecting and investigating~~
1054 ~~such emergency conditions. The director may without prior notice order the immediate~~
1055 ~~discontinuance of any activity leading to the emergency condition. Failure to comply~~
1056 ~~with such order shall constitute a misdemeanor as specified in K.C.C. 23.08.080.)) A.~~

1057 The director may determine that any violation of this chapter constitutes a hazard if the
1058 violation:

- 1059 1. Poses a threat to public health, safety or welfare; or
- 1060 2. Endangers any property; or
- 1061 3. Adversely affects the safety and operation of any county right of way,
1062 utilities, or other property owned or maintained by the county.

1063 B. Upon determining that a violation constitutes a hazard, the director shall
1064 immediately notify the responsible party and shall provide a verbal or written
1065 determination of the hazard that specifies the date by which the hazard shall be corrected.

1066 C. Upon receipt of the director's written hazard determination, the responsible
1067 party shall correct the hazard by the date specified.

1068 D. Notwithstanding any other provisions of this chapter, upon reasonable belief
1069 that any of the conditions described in K.C.C. 9.12.060.A.1 and A.3 exist, the director
1070 may enter at all times in or upon any public or private property for the purpose of
1071 investigating the existence of a hazard.

1072 E. The director may without prior notice require the immediate discontinuance of
1073 any violation causing the hazard. Failure to comply shall constitute a willful violation of
1074 this chapter.

1075 SECTION 15. Ordinance 10636, Section 10, as amended, and K.C.C. 9.12.080
1076 are hereby amended to read as follows:

1077 The enforcement provisions for water quality are intended to encourage
1078 compliance with this chapter. To achieve this, ~~((violators))~~ responsible parties will be
1079 required to take corrective action and comply with ~~((the requirements of))~~ this chapter,
1080 and may be required to pay a civil penalty and restitution payment for the redress of
1081 ecological, recreational~~((s))~~ and economic values lost or damaged due to their unlawful
1082 action.

1083 A. The provisions in this section are in addition to and not in lieu of any other
1084 penalty, sanction or right of action provided by law.

1085 B. Any ~~((person))~~ responsible party in violation of this chapter shall be subject to
1086 civil penalties assessed as follows:

1087 1. An amount reasonably determined by the director to be equivalent to the
1088 economic benefit the ~~((violator))~~ responsible party derives from the violation as measured
1089 by: the greater of the resulting increase in market value of the property or business value
1090 received ~~((by the violator,))~~ or savings of construction or retrofitting costs realized ~~((by~~
1091 ~~the violator performing any act in violation of this chapter))~~; and

1092 2. An amount not to exceed ~~(((\$25,000))~~ ten thousand dollars per violation per
1093 day, that is reasonably based upon the nature and gravity of the violation and the cost to
1094 the county of enforcing this chapter against the violator.

1095 C. Any person who, through an act of commission or omission, aids or abets in a
1096 violation shall be considered to have committed the violation for the purposes of the civil
1097 penalty.

1098 D. In addition to civil penalties, a responsibility party whose violation of this
1099 chapter causes damage to or impairs a drainage facility, or causes damage to physical,
1100 chemical, or biological systems of waters of the state or waters of the United States, shall
1101 be liable to and reimburse the county for any damage, cost and expense caused by such a
1102 violation or discharge.

1103 E. Each ~~((violator))~~ responsible party is jointly and severally liable for a violation
1104 of this chapter. The director may take enforcement action, in whole or in part, against
1105 any ~~((violator))~~ responsible party. The decisions of whether to take enforcement action,
1106 what type of action to take, and which person to take action against, are all entirely within
1107 the director's discretion. Factors to be used in taking such enforcement actions shall be:

- 1108 1. Awareness of the violation;
- 1109 2. Ability to correct the violation;
- 1110 3. Cooperation with government agencies;
- 1111 4. Degree of impact or potential threat to water or sediment quality, human
- 1112 health, or the environment.

1113 F. In the event more than one person is determined to have violated ~~((the~~

1114 ~~provisions of))~~ this chapter, all applicable civil penalties may be imposed against each

1115 person, and recoverable damages, costs, and expenses may be allocated among the

1116 persons on any equitable basis. Factors that may be considered in determining an

1117 equitable allocation include:

- 1118 1. Each person's:
- 1119 ~~((1.))~~ a. culpability or degree of involvement in the violation;
- 1120 b. ((A))awareness of the violation;
- 1121 ~~((2.))~~ c. ((A))ability to correct the violation;
- 1122 ~~((3.))~~ d. ((A))ability to pay damages, costs, and expenses;
- 1123 ~~((4.))~~ e. ((C))cooperation with government agencies; and
- 1124 ~~((5.))~~ 2. Degree of impact or potential threat to water or sediment quality,
- 1125 human health, or the environment.

1126 ~~((E.))~~ G. The director ~~((or the director's designee))~~ may engage in mitigation

1127 discussions with the ~~((violator))~~ responsible party. The director ~~((or the director's~~

1128 ~~designee))~~ may reduce the penalties based upon one or more of the following mitigating

1129 factors:

1130 1. The person responded to county attempts to contact the person and
1131 cooperated with efforts to correct the violation;

1132 2. The person showed due diligence and/or substantial progress in correcting the
1133 violation; or

1134 3. An unknown person was the primary cause of the violation.

1135 H. Payment of a monetary penalty ~~((pursuant to))~~ under this chapter does not
1136 relieve the ~~((person))~~ responsible party of the duty to correct the violation.

1137 ~~((F.))~~ I. All civil penalties recovered during ~~((the))~~ enforcement of this chapter
1138 ~~((under this title and K.C.C. Title 23))~~ shall be deposited into a fund of the division
1139 taking the enforcement action and, subject to appropriation, shall be used for the
1140 protection of surface ~~((and storm))~~ water, stormwater or ~~((ground water))~~ groundwater as
1141 set forth in this chapter, through education or ~~((enhanced))~~ other implementation
1142 procedures determined by the director.

1143 J. Civil penalties assessed under this section may be appealed in accordance with
1144 the appeal and waiver procedures for civil penalties in K.C.C. chapter 23.32.

1145 SECTION 16. Ordinance 16392, Section 4, and K.C.C. 9.20.010 are hereby
1146 repealed.

1147 SECTION 17. Ordinance 16392, Section 5, and K.C.C. 9.20.020 are hereby
1148 repealed.

1149 SECTION 18. Ordinance 16392, Section 6, and K.C.C. 9.20.030 are hereby
1150 repealed.

1151 SECTION 19. Ordinance 16392, Section 7, and K.C.C. 9.20.040 are hereby
1152 repealed.

1153 SECTION 20. Ordinance 15753, Section 4, and K.C.C. 14.42.030 are hereby
1154 amended to read as follows:

1155 A. The standards apply prospectively to all newly constructed or modified road
1156 and right-of-way facilities, both public and private, within King County. The standards
1157 apply to modifications of roadway features or existing facilities that are within the scope
1158 of reconstructions, required off-site road improvements for land developments or capital
1159 improvement projects when so required by King County or to the extent they are
1160 expressly referred to in project plans and specifications. These standards are not intended
1161 to apply to resurfacing, restoration, and rehabilitation projects as those terms are defined
1162 in the Washington state Department of Transportation Local Agency Guidelines Manual,
1163 as amended. The county road engineer may in his or her discretion consider the
1164 standards as optional goals for the design and construction of resurfacing restoration and
1165 rehabilitation projects.

1166 B. The standards shall apply to every new placement and every planned,
1167 nonemergency replacement of existing utility poles and other utility structures within the
1168 King County right-of-way.

1169 C. Construction shall be performed in accordance with the standards and with
1170 due regard to public safety.

1171 D. Where feasible, flow control BMPs shall be applied as required in the Surface
1172 Water Design Manual.

1173 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter
1174 21A.06 a new section to read as follows:

A. Bioretention: A stormwater best management practice consisting of a shallow landscaped depression designed to temporarily store and promote infiltration of stormwater runoff.

SECTION 22. Ordinance 11210, Section 9, and K.C.C. 21A.16.085 are hereby amended to read as follows:

All new landscape areas proposed for a development shall be subject to the following provisions:

A. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

B. All new turf areas, except all-weather, sand-based athletic fields shall:

1. Be augmented with a two-inch layer of organic material cultivated a minimum of six inches deep~~((;))~~; or

2. Have an organic content of five percent or more to a depth of six inches as shown in a soil sample analysis. The soil analysis shall include:

a. ~~((D))~~determination of soil texture, indicating percentage of organic matter~~((;))~~;

b. ~~((A))~~an approximated soil infiltration rate ~~((-))~~either measured or derived from soil/texture/infiltration rate tables~~((;))~~. A range of infiltration rates shall be noted where appropriate~~((;))~~; and

c. ~~((M))~~measure ~~((Ph))~~ pH value.

C. Except as specifically outlined for turf areas in subsection B. of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.

D. Landscape areas, except turf or areas of established groundcover, shall be

covered with at least two inches of mulch to minimize evaporation.

E. Plants having similar water use characteristics shall be grouped together in distinct hydrozones.

F. Plants ~~((selection))~~ selected shall ~~((consider adaptability))~~ be natives, or other plants adapted to the climatic, geologic((;)) and topographical conditions of the site.

Preservation of existing noninvasive vegetation is encouraged.

G. Landscape areas are authorized to be used for bioretention, as long as the landscape areas meet the bioretention design standards of the Surface Water Design Manual, including soil mix and plant selection, and also meet the standards of this chapter for types of plants used and their spacing and density.

SECTION 23. Ordinance 15051, Section 234, and K.C.C. 21A.24.550 are hereby amended to read as follows:

A. A development proposal shall be deemed to comply with ~~((the provisions of))~~ this chapter and the department shall not require additional critical areas, fire or drainage review of a development proposal for a single-family residential development that is consistent with the conditions established by the department in its review of the development proposal if the applicant meets all of the following requirements:

1. The applicant provides to the department a critical areas report prepared by a preferred consultant, as provided in K.C.C. Title 27, for the critical areas on the development proposal site;

2. The department has issued a critical areas designation under K.C.C. 21A.24.500. If applicable, the designation shall be issued before septic system design, application and approval;

1221 3. The development proposal qualifies for ((small-project)) simplified drainage
1222 review and does not require targeted drainage review under K.C.C. chapter 9.04;

1223 4. The development proposal does not require an alteration exception or
1224 reasonable use exception under this chapter, a variance from road standards under K.C.C.
1225 Title 14 or a drainage adjustment under K.C.C. chapter 9.04; and

1226 5. The development proposal locates structures, on-site septic drainfield areas,
1227 the well location, and other impervious surfaces, including but not limited to driveways,
1228 within the areas identified by the department.

1229 B. If an applicant indicates on a form approved by the department that a
1230 development proposal for a single family residence will be proposed for review under
1231 this section, the department shall consolidate critical areas, drainage, road standards, and
1232 fire review. Based on the information provided by the applicant under this section, the
1233 department shall identify a development footprint on the property where the applicant
1234 may clear and place structures and other impervious surfaces in order to meet the
1235 requirements of this chapter and K.C.C. chapters 9.04 and 16.82. At the time of
1236 development permit application, the department shall screen the proposal for compliance
1237 with the conditions established by the department under this section, set the conditions of
1238 permit approval and, if required, establish the mitigation financial guarantee.

1239 SECTION 24. A. The executive shall transmit an ordinance that establishes a
1240 schedule of penalties to implement the civil penalties outlined in K.C.C. 9.12.080. The
1241 ordinance shall include a schedule of civil penalties that is based on the magnitude of the
1242 violation and the costs necessary to enforce the chapter. In establishing the schedule of
1243 penalties, the executive shall consider:

1244 1 The criteria established in K.C.C. 9.12.080.F. for determining which persons
1245 will be penalized, and the amount of each person's civil penalty; and

1246 2. Comparable civil penalties established by other local jurisdictions for similar
1247 violations.

1248 B. The ordinance required by this section shall be transmitted to the council by
1249 December 31, 2016, in the form of a paper original and an electronic copy to the clerk of
1250 the council, who shall retain the original and provide an electronic copy to all
1251 councilmembers, the council chief of staff, the policy staff director, and the lead staff for
1252 the transportation, economy and environment committee, or its successor.

1253 SECTION 25. A. The executive shall transmit a report that identifies potential
1254 pilot projects to implement incentivizing the use of low impact development techniques.

1255 The report shall include:

1256 1. Identification of a minimum of five pilot projects that further the goals of
1257 incentivizing the use of low impact development techniques; and

1258 2. Evaluation of the pilot projects against the following criteria:

1259 a. the policy goal the pilot project would achieve;

1260 b. the anticipated costs of the pilot project and the expected impact on the
1261 surface water management fee rates;

1262 c. the anticipated benefits of the pilot project, including benefits to water
1263 quality and to potential customers taking advantage of the pilot project;

1264 d. identification and evaluation of measures to evaluate the effectiveness of the
1265 project, if implemented; and

1266 e. the length of time to implement the pilot project.

B. The report and a motion accepting the report shall be transmitted to the council by August 31, 2016, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director, and the lead staff for the transportation, economy and environment committee, or its successor.

SECTION 26. A. The executive shall transmit a report that recommends actions the county can take to aid in the public's understanding of the stormwater and surface water code. In addition to the actions the executive may recommend, the report may include an analysis of the efficacy of the county:

1. Providing plan assistance documents for single family residential and agricultural property owners;

2. Posting plain language summaries of the provisions of K.C.C. chapters 9.04 and 9.12 to the websites of the department of permitting and environmental review and the department of natural resources and parks, water and land resources division or their successor agencies;

3. Allocating additional staff time for community outreach and engagement, with a focus on impacted communities.

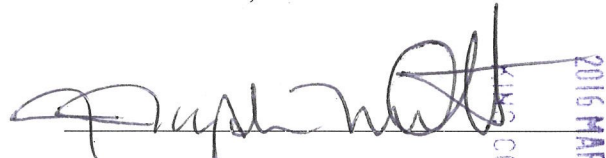
B. The report shall be transmitted to the council by December 31, 2016, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director, and the lead staff for the transportation, economy and environment committee, or its successor.

1289 SECTION 27. Severability. If any provision of this ordinance or its application
1290 to any person or circumstance is held invalid, the remainder of the ordinance or the
1291 application of the provision to other persons or circumstances is not affected.
1292


Ordinance 18257 was introduced on 1/11/2016 and passed as amended by the
Metropolitan King County Council on 3/14/2016, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

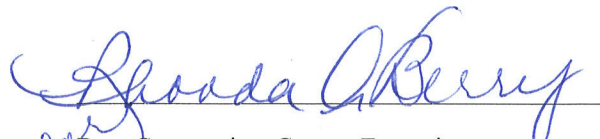

J. Joseph McDermott, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 15th day of March, 2016.



Dow Constantine, County Executive

Attachments: None